

AMENDED IN SENATE SEPTEMBER 5, 2007

AMENDED IN SENATE AUGUST 28, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 534

**Introduced by Assembly Members Smyth, Parra, Spitzer, and
Sharon Runner**

February 21, 2007

An act to add Section 273i to the Penal Code, relating to crimes against children, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 534, as amended, Smyth. Crimes against children.

Existing law makes it unlawful for any person to abuse children, as specified.

This bill would make it a misdemeanor for any person to publish information, *as defined*, describing *or depicting* the physical appearance of a child, the location of a child, or locations where children may be found with the intent that another person use the information to commit a crime against a child and the information is likely to aid in the imminent commission of a crime against a child. *This bill would also authorize the parent or legal guardian of a child about whom information is published to seek a preliminary injunction enjoining any further publication of that information.*

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 273i is added to the Penal Code, to read:

2 273i. (a) Any person who publishes information describing
3 *or depicting a child*, the physical appearance of a child, the location
4 of a child, or locations where children may be found with the intent
5 that another person use the information to commit a crime against
6 a child and the information is likely to aid in the imminent
7 commission of a crime against a child, is guilty of a misdemeanor,
8 punishable by imprisonment in a county jail for not more than one
9 year, a fine of not more than five thousand dollars (\$5,000), or by
10 both a fine and imprisonment.

11 (b) For purposes of this section, “publishes” means making the
12 information available to another person through any medium,
13 including, but not limited to, the Internet, the World Wide Web,
14 or e-mail.

15 (c) For purposes of this section, “child” means a person 14 years
16 of age or younger.

17 (d) *For purposes of this section, “information” includes, but is*
18 *not limited to, an image, film, filmstrip, photograph, negative,*
19 *slide, photocopy, videotape, video laser disc, or any other*
20 *computer-generated image.*

21 (e) *Any parent or legal guardian of a child about whom*
22 *information is published in violation of subdivision (a) may seek*
23 *a preliminary injunction enjoining any further publication of that*
24 *information.*

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

6 SEC. 3. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety within
8 the meaning of Article IV of the Constitution and shall go into
9 immediate effect. The facts constituting the necessity are:

10 In order to put an end to the current and ongoing publication of
11 information which could be used to harm children within
12 California, it is necessary that this bill take effect immediately.

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